

**OFFICE OF THE CITY MANAGER  
LITTLE ROCK, ARKANSAS**

**BOARD OF DIRECTORS COMMUNICATION  
JANUARY 19, 2016 AGENDA**

<b>Subject:</b>	<b>Action Required:</b>	<b>Approved By:</b>
<p>An ordinance establishing a Planned Zoning District titled K-Bird Restaurant Revised Short-Form PD-C, located at 600 North Tyler Street. (Z-6481-E)</p> <p><b>Submitted By:</b></p> <p>Planning &amp; Development Department</p>	<p>√ <b>Ordinance</b> Resolution Approval Information Report</p>	<p>Bruce T. Moore City Manager</p>
<b>SYNOPSIS</b>	<p>The request is to amend the previously-approved PD-C, Planned Development – Commercial, to extend the hours of operation for the restaurant from a closing time of 6:30 PM to a closing time of 9:00 PM.</p>	
<b>FISCAL IMPACT</b>	<p>None.</p>	
<b>RECOMMENDATION</b>	<p>Staff recommends approval of the requested PD-C zoning. The Planning Commission voted to recommend approval of the PD-C zoning by a vote of 9 ayes, 2 nays and 0 absent.</p>	
<b>CITIZEN PARTICIPATION</b>	<p>The Planning Commission reviewed the proposed PD-C request at its November 19, 2015, meeting and there was one (1) registered objector present. All property owners located within 200 feet of the site along with the Hillcrest Residents Neighborhood Association were notified of the Public Hearing.</p>	
<b>BACKGROUND</b>	<p>On September 15, 1998, the City of Little Rock Board of Directors adopted Ordinance No. 17,820, rezoning the site from R-3, Single-Family to PD-C, Planned Development - Commercial.</p>	

**BACKGROUND  
CONTINUED**

Ordinance No. 17,821, which was also approved on September 15, 1998, deferred the right-of-way dedication on Tyler Street and Woodlawn Avenue for five (5) years.

The approved PD-C allowed the continuing use of the building as a deli/restaurant with seating for a maximum of thirty-six (36) persons, allowing seating on a proposed twenty (20)-foot by seventeen (17)-foot deck with proper screening and no outside speakers. C-1, Neighborhood Commercial District, permitted uses were approved as alternative uses. The hours of operation were from 11:00 AM to 6:30 PM, Monday through Saturday.

On February 16, 1999, the Little Rock Board of Directors adopted Ordinance No. 17,933, approving two (2) minor revisions to the previously-approved PD-C. The applicant was allowed to add "catering-commercial" as a permitted use of the property, in conjunction with the approved restaurant use. The applicant indicated there would be no expansion of the existing kitchen facility or additional employees required. There would also be no changes to the previously approved site plan.

The applicant also requested a modification to the hours of operation. The applicant requested the daily hours of operation to be 10:30 AM to 6:30 PM, Monday through Saturday. The applicant indicated the delivery vehicle for the catering operation would be a mini-van, the restaurant owner/manager's personal vehicle, which he would drive to the restaurant daily.

On May 17, 2001, staff approved a revision to the hours of operation allowing a restaurant to be open from 10:30 AM to 9:00 PM.

The applicant proposed to revise the previously-approved PD-C and was scheduled to be heard before the Little Rock Planning Commission on February 20, 2003. The applicant withdrew his request prior to the Public Hearing. The request was to allow construction of a second structure on the site near the western property line adjacent to the alley. The applicant proposed to use the building as a contractor's storage shed. The applicant was not proposing any plumbing to be located in the storage building.

**BACKGROUND  
CONTINUED**

On April 4, 2003, staff rescinded their approval of the extended hours of operation. On June 12, 2003, the Little Rock Planning Commission denied a request to extend the hours of operation for the site. The requested hours for the site were to be as approved at staff level on May 17, 2001. The applicant proposed the hours of operation to be from 10:30 AM to 9:00 PM, Monday through Saturday. The applicant indicated all other terms of the PD-C would remain in effect. The applicant appealed the Planning Commission's recommendation of denial to the Board of Directors. The Little Rock Board of Directors also denied this request at their July 15, 2003, public hearing.

On November 10, 2005, the Little Rock Planning Commission denied a request to extend the hours of operation for a restaurant user located on the site. The Board of Directors also denied this request at their April 18, 2006, public hearing. The applicant proposed to revise the previously-approved PD-C to allow the hours of operation to be extended and to increase the number of allowable seats. The request was to extend the closing hour from 6:30 PM to 9:00 PM, Monday through Saturday. The request also included an increase in the number of seats from thirty-six (36) seats to fifty-six (56) seats

The current request is to amend the previously-approved Planned Commercial Development to extend the hours of operation for the restaurant. The current closing time for the restaurant is 6:30 PM daily. The applicant is requesting to extend the closing hour to 9:00 PM daily. There are no other modifications proposed for the approved plan.

At the Commission meeting the applicant agreed to limit the hours of operation to 10:30 AM to 9:00 PM, Monday through Saturday. There is to be no alcohol sales and the approved of the extended hours of operation are limited to K-Bird, LLC.

Please see the attached Planning Commission minute record and site plan for the applicant's specific development proposal and the staff analysis and recommendation.